

UNITED STATES DISTRICT COURT

for the

District of _____

Division _____

Case No. _____

23 cv 754

(to be filled in by the Clerk's Office)

Jury Trial: (check one) ☒ Yes ☐ No

Robert Kirby III

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-v-

State Employees Credit Union

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

COMPLAINT FOR A CIVIL CASE

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Street Address

City and County

State and Zip Code

Telephone Number

E-mail Address

Robert Kirby III
 618 MLK Jr. Dr.
 Greensboro Guilford
 North Carolina 27406
 336-253-1973
 kirbsidekitchenbathdesign@Aldo.com

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

Defendant No. 1

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Richard Joyner
Branch Manager
1900 NC-119,
Mebane
North Carolina
919-304-2777
Richard.Joyner@ncseccu.org

Defendant No. 2

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

State Employees Credit Union
1900 NC-119,
Mebane
North Carolina 27302
919-304-2777

Defendant No. 3

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

Defendant No. 4

Name
Job or Title *(if known)*
Street Address
City and County
State and Zip Code
Telephone Number
E-mail Address *(if known)*

II. Basis for Jurisdiction

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☐ Federal question

☒ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

A. If the Basis for Jurisdiction Is a Federal Question

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

B. If the Basis for Jurisdiction Is Diversity of Citizenship

Civil Rights Violation, Discrimination, Unfair Deceptive and Abuse Acts
SEC 1031, Federal Tort Claims Act

1. The Plaintiff(s)**a. If the plaintiff is an individual**

The plaintiff, (name) Robert Kirby III, is a citizen of the State of (name) North Carolina.

b. If the plaintiff is a corporation

The plaintiff, (name) Robert Kirby III, is incorporated under the laws of the State of (name) North Carolina, and has its principal place of business in the State of (name) _____.

(If more than one plaintiff is named in the complaint, attach an additional page providing the same information for each additional plaintiff.)

2. The Defendant(s)**a. If the defendant is an individual**

The defendant, (name) State Employees Credit Union, is a citizen of the State of (name) North Carolina. Or is a citizen of (foreign nation) _____.

b. If the defendant is a corporation,

The defendant, (name) State Employees Credit Union, incorporated under
the laws of the State of (name) North Carolina, and has its
principal place of business in the State of (name) North Carolina.
Or is incorporated under the laws of (foreign nation) _____,
and has its principal place of business in (name) North Carolina.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain):

interest And Cost of Court to be paid by defendant.

III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

The defendant and its Trust Dept out of the Raleigh office denied my Power of Attorney that I presented twice even After I brought my mother who has dementia. Then requested to speak to my mother alone as to how she wanted to proceed with her business. After they saw her condition.

IV. Relief

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

Discrimination, Civil Rights Violation, Wrongfully dishonoring Power of Attorney, Negligence Under Federal Tort Claims Act Unfair Deceptive and Abuse Acts practices SEC 1031. Damages are continuing right now Bills are to be paid from that acct that cannot be paid because they have control of the acct. They are managing her acct. I feel I am entitled to 2.5 Million for their malice Acts.

V. Certification and Closing

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

A. For Parties Without an Attorney

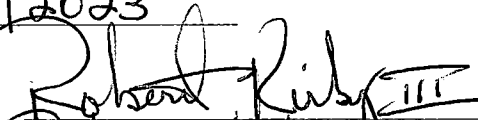
I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: _____

9/1/2023

Signature of Plaintiff

Printed Name of Plaintiff


Robert Kirby III

B. For Attorneys

Date of signing: _____

Signature of Attorney

Printed Name of Attorney

Bar Number

Name of Law Firm

Street Address

State and Zip Code

Telephone Number

E-mail Address

My Statement

My name is Robbin Kirby, I Am the Power of Attorney for my mother Annette E. Smith who has dementia.

I have been my mother's caregiver for the last 2 1/2 years. I Am having problems with the State Employees Credit Union. They refuse to Honor my POA. They have also gone out of there way with malice in there Heart shutting down my mothers debit card. I have bills to pay as well as paying for her stay at Maple Grove rehabilitation and Nursing Home. I went into the branch back in May 2023 to put Dual Power of Attorney on file, They kept me in bank for 2 hrs. then tell me they would get back with me and never did. I went back into the branch in June 2023 After sitting for close to two hours, said they will get back with me and never did. I went back into branch in Mebane where my mother and I was temporary living, This time I took my mother with me so they could see her condition for themselves.

After sitting down with them for about and hour in A half. The branch mger Richard Joyner ASK me if I Could leave the room so he could have A Conversation with my mother in private so he could find out how she wanted to proceed with her account? That was it,....

My mother's Mental Health she can't discuss not one account or Any Accts AS far AS that matter. This is why I bring this case to Federal Court.

- ① Wrongfully disHonoring power of ATTORNEY Negligence Under Federal Tort Claims Act.
- ② Discrimination
- ③ Civil Rights Violation
- ④ Unfair, Deceptive and Abuse Acts practices SEC 1031

We have been Violated, and I am here to exercise my rights, AS well AS the law.

Pt. 2 Relief

It has caused pain suffering for myself
and my mother. Her bills are not being paid
And Biggest Bill is Maple Grove Facility coming
after me cause that bill is not being paid.

Economic Damages, Non Economic Damages
Punitive Damages, Compensatory damages,